UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

ANGELICA TEXTILE SERVICES, INC.
Employer-Petitioner

and

Case 28-RM-618

WESTERN STATES REGIONAL JOINT BOARD, LOCAL 2732

Union

and

UNITE HERE, AFL-CIO

Union

ORDER

On January 14, 2010, the Regional Director issued a Decision and Order dismissing the Employer's petition because he found "there is no question concerning representation." Specifically, the Regional Director found that there is a "valid collective-bargaining agreement between Angelica and UNITE HERE" that bars the petition. Thereafter, Western States Regional Joint Board, Local 2732 (Joint Board) filed a timely request for review contending that the Joint Board was substituted for UNITE HERE in the contract as the collective bargaining representative, and that the Regional Director erred in failing to consider whether the Joint Board and UNITE HERE are joint bargaining representatives.

As the Joint Board does not dispute the Regional Director's finding that the petition should be dismissed because there is no question concerning representation, we find that it is unnecessary to rule in this case on the merits of the Joint Board's request for review or the Regional Director's conclusion that the collective-bargaining agreement that bars the petition is between the Employer "and UNITE HERE." On this basis, we deny the request for review.

WILMA B. LIEBMAN,

CHAIRMAN

PETER C. SCHAUMBER,

MEMBER

Dated, Washington, D.C., March 12, 2010.

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Teamsters Local 523 v. NLRB, 590 F.3d 849 (10th Cir. 2009); Narricot Industries, L.P. v. NLRB, 587 F.3d 654 (4th Cir. 2009); Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).